

03/01/02  
1130 U.S. PTO

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As modified by Blakely, Sokoloff, Taylor & Zafman LLP

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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### UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 004524.P078

(maximum 12 characters)

First Named Inventor J. Timothy Jackson

Title: METHOD AND APPARATUS FOR COMMUNICATING CONTROL DATA IN AN ASYNCHRONOUS COMMUNICATION CHANNEL

Express Mail Label No. EL861982689US

1130 U.S. PTO  
10/08/99  
03/01/02

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, D. C. 20231

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. X **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original and a duplicate for fee processing)
2.        **Applicant Claims Small Entity Status. (37 CFR 1.27)**
3. X **Specification (Total Pages 28)**  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. X **Drawings(s) (35 USC 113) (Total Sheets 5)**
5. X **Oath or Declaration (Total Pages 5)**
  - a. X Newly Executed (Original or Copy)
  - b.        Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 18 completed)
    - i.        **DELETIONS OF INVENTOR(S)** Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
  - c.        Unsigned.
6.        **Application Data Sheet. (37 CFR 1.76)**
7.        CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.        Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.        Computer Readable Form (CRF)
  - b.        Specification Sequence Listing on
    - i.        CD-ROM or CD-R (2 copies), or
    - ii.        paper
  - c.        Statement verifying identity of above copies

# ACCOMPANYING APPLICATION PARTS

9. \_\_\_\_\_ Assignment Papers (cover sheet & documents(s))
10. \_\_\_\_\_ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)
- \_\_\_\_\_ b. Power of Attorney
11. \_\_\_\_\_ English Translation Document (if applicable)
12. \_\_\_\_\_ a. Information Disclosure Statement (IDS)/PTO-1449
- \_\_\_\_\_ b. Copies of IDS Citations
13. \_\_\_\_\_ Preliminary Amendment
14. X Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. \_\_\_\_\_ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. X Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- 17A. X Other: Certificate of mailing with copy of return receipt postcard signed by attorney.

17B. X Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

18A. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet Under 37 C.F.R. 1.76:

\_\_\_\_\_ Continuation \_\_\_\_\_ Divisional \_\_\_\_\_ Continuation-in-part (CIP)  
 Of Prior Application No.: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_  
 (which is a \_\_\_\_\_ continuation/ \_\_\_\_\_ divisional/ \_\_\_\_\_ CIP of prior application no. \_\_\_\_\_,  
 which is a \_\_\_\_\_ continuation/ \_\_\_\_\_ divisional/ \_\_\_\_\_ CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.  
 For CONTINUATION AND DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18B. Statement under 37 CFR 3.73(b) for continuing application:

The undersigned states that \_\_\_\_\_ (name of assignee) is the assignee of the entire right, title, and interest in the accompanying patent application by virtue of an assignment recorded in the Patent and Trademark Office at Reel No. \_\_\_\_\_ Frame No. \_\_\_\_\_ (or a copy of which is attached).

19. Correspondence Address  
 \_\_\_\_\_ Customer Number or Bar Code Label \_\_\_\_\_  
 or \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)  
X Correspondence Address Below  
 NAME Lawrence E. Lycke  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
 ADDRESS 12400 Wilshire Boulevard  
Seventh Floor  
 CITY Los Angeles STATE California ZIP CODE 90025-1026  
 Country U.S.A. TELEPHONE (206) 292-8600 FAX (206) 292-8606

Name (PRINT/TYPE): Lawrence E. Lycke Registration No.: 38,540  
 Signature: [Signature] Date: March 1, 2002

## REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

First Named Inventor J. Timothy Jackson  
Title METHOD AND APPARATUS FOR COMMUNICATING CONTROL DATA IN AN ASYNCHRONOUS COMMUNICATIONS CHANNEL  
Attorney Docket No. 004524.P078

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 1, 2002  
Date

  
Signature

Lawrence E. Lycke  
Typed or Printed Name

38,540  
Registration No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months after the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Send to: Assistant Commissioner for Patents, Washington, D.C. 20231

**FEE TRANSMITTAL FOR FY 2001****TOTAL AMOUNT OF PAYMENT (\$)** \$1,448.00**Complete if Known:**Application No. Not yet assignedFiling Date HerewithFirst Named Inventor J. Timothy Jackson

Group Art Unit \_\_\_\_\_

Examiner Name \_\_\_\_\_

Attorney Docket No. 004524.P078**METHOD OF PAYMENT (check one)**

- 1.
- ☒
- [ X ] The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666

Deposit Account Name \_\_\_\_\_

☒ [ X ] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- 2.
- ☒
- X
- Payment Enclosed:

☒ X Check☐ Money Order☐ Other**FEE CALCULATION**1. **BASIC FILING FEE**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility application filing fee	<u>\$740.00</u>
106	330	206	165	Design application filing fee	_____
107	510	207	255	Plant filing fee	_____
108	740	208	370	Reissue filing fee	_____
114	160	214	80	Provisional application filing fee	_____
<b>SUBTOTAL (1)</b>					<b><u>\$ 740.00</u></b>

2. **EXTRA CLAIM FEES**

		<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>50</u>	- 20** = <u>30</u>	X <u>\$18.00</u>	= <u>\$540.00</u>
Independent Claims	<u>5</u>	- 3** = <u>2</u>	X <u>\$84.00</u>	= <u>\$168.00</u>
Multiple Dependent				= _____

\*\*Or number previously paid, if greater; For Reissues, see below.

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>					<b><u>\$ 708.00</u></b>

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fee Paid</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>		
105	130	205	65	Surcharge - late filing fee or oath	_____
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	_____
139	130	139	130	Non-English specification	_____
147	2,520	147	2,520	For filing a request for reexamination	_____
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	_____
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	_____
115	110	215	55	Extension for response within first month	_____
116	400	216	200	Extension for response within second month	_____
117	920	217	460	Extension for response within third month	_____
118	1,440	218	720	Extension for response within fourth month	_____
128	1,960	228	980	Extension for response within fifth month	_____
119	320	219	160	Notice of Appeal	_____
120	320	220	160	Filing a brief in support of an appeal	_____
121	280	221	140	Request for oral hearing	_____
138	1,510	138	1,510	Petition to institute a public use proceeding	_____
140	110	240	55	Petition to revive unavoidably abandoned application or unavoidably delayed payment of issue fee	_____
141	1,280	241	640	Petition to revive unintentionally abandoned application or unintentionally delayed payment of issue fee	_____
142	1,280	242	640	Utility issue fee (or reissue)	_____
143	460	243	230	Design issue fee	_____
144	620	244	310	Plant issue fee	_____
122	130	122	130	Petitions to the Commissioner	_____
123	50	123	50	Petitions related to provisional applications	_____
126	180	126	180	Submission of Information Disclosure Stmt	_____
581	40	581	40	Recording each patent assignment per property (times number of properties)	_____
146	740	246	370	For filing a submission after final rejection (see 37 CFR 1.129(a))	_____
149	740	249	370	For each additional invention to be examined (see 37 CFR 1.129(b))	_____
179	740	279	370	Request for Continued Examination (RCE)	_____
169	900	169	900	Request for expedited examination of a design application	_____
Other fee (specify) _____					_____
Other fee (specify) _____					_____

**SUBTOTAL (3) \$ 0.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Lawrence E. LyckeSignature: Date: March 1, 2002Reg. Number: 38,540Telephone Number: (206) 292-8600

Our Reference: 004524.P078

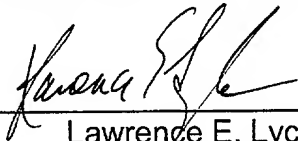
Patent

METHOD AND APPARATUS FOR COMMUNICATING CONTROL DATA IN AN  
ASYNCHRONOUS COMMUNICATIONS CHANNEL

Inventors: J. Timothy Jackson

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP



Lawrence E. Lycke  
Reg. No. 38,540

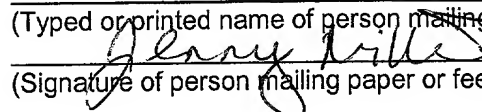
"Express Mail" mailing label number: EL861982689US

Date of Deposit: March 1, 2002

I hereby certify that I am causing this paper or fee to be deposited with  
the United States Postal Service "Express Mail Post Office to Addressee"  
service on the date indicated above and that this paper or fee has been  
addressed to the Assistant Commissioner for Patents, Washington, D. C.  
20231

Jenny Miller

(Typed or printed name of person mailing paper or fee)



3/1/02  
(Date signed)

Serial/Patent No.: Not yet assigned Filing/Issue Date: Herewith  
Client: Terabeam Corporation  
Title: METHOD AND APPARATUS FOR COMMUNICATING CONTROL DATA IN AN  
ASYNCHRONOUS COMMUNICATIONS CHANNEL  
BSTZ File No.: 004524.P078 Atty/Secty Initials: LEL/jem  
Date Mailed: March 1, 2002 Docket Due Date: \*\*\*

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |  |   |
|--|---|
| <input type="checkbox"/> Amendment/Response (___pgs.)  | <input checked="" type="checkbox"/> Express Mail No. <b>EL861982689US</b> Check No. <b>2046</b>                       |
| <input type="checkbox"/> Appeal Brief (___pgs.) (in triplicate)  | <input type="checkbox"/> ___Month(s) Extension of Time Amt: <b>\$1,448.00</b>   |
| <input checked="" type="checkbox"/> Application - Utility ( <b>28</b> pgs., with cover and abstract)   | <input type="checkbox"/> Information Disclosure Statement & PTO-1449 (___pgs.) <input type="checkbox"/> Check No. ___ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (___pgs.)   | <input type="checkbox"/> Issue Fee Transmittal Amt: ___   |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (___pgs.)   | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (___pgs.)  | <input type="checkbox"/> Petition for Extension of Time   |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (___pgs.)  | <input type="checkbox"/> Petition for ___   |
| <input type="checkbox"/> Application - Design (___pgs.)  | <input checked="" type="checkbox"/> Postcard  |
| <input type="checkbox"/> Application - PCT (___pgs.)   | <input type="checkbox"/> Power of Attorney (___pgs.)  |
| <input type="checkbox"/> Application - Provisional (___pgs.)   | <input type="checkbox"/> Preliminary Amendment (___pgs.)  |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief (___pgs.)  |
| <input checked="" type="checkbox"/> Certificate of Mailing   | <input type="checkbox"/> Response to Notice of Missing Parts  |
| <input checked="" type="checkbox"/> Declaration & POA ( <b>5</b> pgs.)   | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business                                  |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (___pgs.)   | <input checked="" type="checkbox"/> Transmittal Letter, in duplicate <b>3 pages each</b>                              |
| <input checked="" type="checkbox"/> Drawings: <b>5</b> # of sheets includes <b>7</b> figures   | <input checked="" type="checkbox"/> Fee Transmittal, in duplicate <b>2 pages each</b>                                 |
| <input checked="" type="checkbox"/> Other <b>*Certificate of mailing with copy of return postcard signed by attorney. Also S/B 35 for Non-publication.</b> |   |